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## THE ETHICAL AND POLITICAL CONTOURS OF INSTITUTIONAL PROMOTION IN ESPORTS: FROM PRECARIAT MODELS TO SUSTAINABLE PRACTICES

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**Abstract:** *This study evaluated five early cases in which esport developer Riot Games made rulings regarding activities and infractions by members of various institutions related to its product, League of Legends. The findings of this study support future theoretical exploration of other esports in seeking a fuller understanding of issues related to consent, power differentials, and roles and behaviors expected of the institutional activities of players and teams in competition. Increased investigation of these—and other—issues from an ethical standpoint could lead to a framework that not only would facilitate future study but also bring opportunities for improvements in practices in concert with necessary policy changes.*

**Keywords:** *esports, ethics, institutional promotion, labor, rights, league.*



## INTRODUCTION

In this article, we explore ethical and political<sup>1</sup> concerns in the context of human agency and social structures in esports, which is occupying an increasingly important and central section of global business (e.g., Scholz, 2019), entertainment (e.g., T. L. Taylor, 2012), and labor practices (e.g., Mosco & McKercher, 2009). Through our analysis of several esports cases, we highlight the numerous and varied stakeholders involved in advancing the concept of *institutional promotion*: an array of procedures that draw and engage various individuals, communities, and organizations into a product's promotional network. In operation, institutional promotion represents the socioeconomic capacity of a product to generate commitment from surrounding institutions that then become “partners” with diverse promotional attributes. Regardless of their respective intentions and motives, these surrounding institutions become networked into complex webs of promotional actors. Throughout history and through media—art, film, literature, etc.—institutional promoters have existed as various nonprofit and for-profit entities, including fan communities, magazines, and organizational events. Arguably, cultural producers (developers, publishers, etc.) have gradually come to recognize the promotional effects of these entities, leading to an increasing number of strategic choices that explicitly serve these (economically) valuable entities. These strategic choices constitute institutional promotion at a managerial level.

By examining the current state of labor in the burgeoning esports industry—an industry that is hardly homogenous and includes various diverse positions (e.g., see Buckland, 2019; Jin, 2010; Kauwelo & Winter, 2019; Stewart, 2004; Szablewicz, 2020; N. T. Taylor, 2016; T. L. Taylor, 2012)—we observe that an increasing general concern is that a growing number of esports participants have been and will continue to be exploited simply due to anachronistic practices and a clumsy overlay of existing models (such as collegiate or professional sports). These dominant models persist, regardless of a consideration of the changing ethical implications in a global games economy for what labor may mean in that media context (Dyer-Witheford & de Peuter, 2009). Without much clear policy foregrounding to account for the dynamism of global esports and its multitudinous stakeholders, focusing attention on centering lessons drawn from all available viewpoints is needed to gain a greater understanding for the complexities confronting those who labor within and in concert with games as a culture and an industry. From an ethical standpoint, the cases that we dissect herein exemplify that a disregard for moral, ethical, or even legal vagaries can do present and future irreparable harm by releasing the proverbial genie from the bottle. The potential and actual harms done by initial lack of consideration (intentional or not) are multitudinous and far-reaching—negatively impacting even the responsible companies, whose long-term successes tend to align with their multilateral ethical foresight.

To be clear, institutional promotion is not about the effects of media (para)texts but rather about the functions of engaged institutions that may, among other things, produce media texts (cf., Carter & Gibbs, 2013; Consalvo, 2017; Egliston, 2015). Moreover, even though these functions of promotional actors do form a network, our interest lies specifically in the ethical status of key actors, which distinguishes it from actor–network theory approaches (cf., Buckland, 2019; Chen, 2012; N. T. Taylor, 2011).

In this article, all case studies derived from the esports product League of Legends and its developer Riot Games, which serve to illustrate the gravitational pull of a major organization that plays a leading role in the esports industry. Although focusing specifically on Riot Games, we acknowledge that, in many ways, this game and its developer differs from other esports and their

developers. However, having paved the way for the global breakthrough of esports historically and still being considered as “the most impactful” esport in the market in July 2020 (Seck, 2020), it makes sense to study the events around League of Legends and Riot Games in particular. The policies and practices of the latter, although not universal, form a heuristic for discussing institutional promotion and the interplay of ethics and politics in esports in general. We regard this work as a contribution to the advancement of research into the ethical questions that should rightfully emerge from widespread engagement in mediated play with global and technosocial implications.

## METHODS

Methodologically, our study is based on a close reading of publicly available materials concerning five case studies that, over the years, received relatively significant attention in the esports world. For each case study, we employed online search engines to collect a diverse pool of mainstream media coverage concerning the events, as well as discussions in the leading forums (Reddit, Twitter, Riot Games online, etc.) between 2015 and 2017; the data were rereviewed and updated during the review process of this work. Materials such as news articles, interviews, forum discussions, and social media statements were collected and compared in order to identify various positions and potential biases. Given the varying nature and credibility of these sources, our selection thereof has been critical and cautious, yet with a goal to hear and address all voices equally—and thus paint a realistic picture of the actions and outcomes of the institutions involved. Because we employed a qualitative reading (rather than quantitative analysis), we do not provide a comprehensive table of data. Instead, we provide a structured case-based narrative that reflects on the corresponding sources and their interpretation. Ultimately, we recognize that the methodology does not produce a rigid empirical sample to be subsequently probed by others, and this is a limitation that we acknowledge. However, those who might consider our readings of the case studies unfair are able to revisit the diverse pool of documents concerning these events, as well as their discussions, which we have gathered as public documents online. In this sense, we follow the spirit of open science. No other sources have been included in the discussion herein. Although some of the documents have also since been removed from their original locations while this article was in process (and these will be noted in the references), we have stored the majority of them in personal archives, available upon request.

Through the above, we analyzed the processes by which Riot Games manages absolute ethical and political control over its esport product and the derived assets. Ultimately, we start with the premise that Riot Games’ absolute control (see Karhulahti, 2017; Yu, 2018) operates only in theory: As a profit-making owner, Riot Games is continuously in a position where respecting and following the opinions and wishes of its customers and collaborators is beneficial due to their central role as institutional promoters. We present this as an instance of *pragmatist ethics* in action; namely, a case in which an entity’s behavior is continuously evaluated from a moral standpoint, with the result that its success depends on the ethical nature of that behavior. In the high-stakes industry of esports, ethical considerations must be at the forefront of the business perspective in various respects, rather than merely an intellectual exercise (Karhulahti & Kimppa, 2018). The sustainability of the esports ecosystem as a whole does, and will, rely highly on the ethical equity among stakeholders on both micro and macro levels (see Scholz, 2019). We consider in this study

the power dynamics and possibly exploitative practices in the game culture—especially part and parcel with increasing precarity and its distributed nature—from an ethical standpoint.

With the help of the present case studies, we aim to understand better some of the extant and emerging challenges that require more long-term work and mobilization to remediate or reduce harm. In these ways, drawing links and parallels between more established industries and esports demonstrate need for broader ethical guidance and highlights problems that have manifested in other aspects of the knowledge/entertainment-adjacent precariat (Chee, 2018).

We have organized the exposition of institutional promotion into four sections that are descriptive and analytical in nature. The first section is devoted to a breakdown of the key institutions surrounding League of Legends. This section is followed by a description of five related incidents that have challenged the established relationships between Riot Games and its institutional promoters. The third section offers a situational analysis of the ethical and political conflicts in these incidents in order to provide a comprehensive look at the contours of institutional promotion in the given context. We show how the concept of institutional promotion serves as one of the central principles by which the esports phenomenon has come to proliferate and persist. The importance of this concept comes at a time when the jurisdictions, industry, people, and their contributions are in flux (e.g., Holden, Rodenberg, & Kaburakis, 2017). The specific discussion of institutional promotion centers upon three ethically driven propositions. First, for the universal esports ecosystem (Scholz, 2019) to develop and stabilize, we point to the movement toward player unions or other similar associations and organizations that provide support for individual players and act as a bulwark against exploitative tendencies in labor. Second, for individual esports companies to develop and remain stable, they need to (re)consider, reflect on, and respect the ethical implications of their actions. Third, for the institutional promoters within esports to develop and remain stable, they need to acknowledge and address the consent of promotion in terms of their own role as well as that of the collaborators.

## INSTITUTIONAL PROMOTERS

Jan-Erik Lane and Svante Ersson (2000) correctly pointed out the ambiguity that shadows the notion of institution in both its common and academic usage. They proposed a distinction between “two senses of institution, namely rule and organization” (p. 23). Whereas the use of *institution* as a rule points toward norms, the same word applied as an organization or organ presents a behavioral interpretation. Lane and Ersson concluded that institutions “may thus be of two types: legal orders or conventions” (p. 34).

In this article, we understand *institution* in the sense of an organization with some type of power or enforceability over its members. This entity is not merely a general rule or norm of behavior, but also a particular group of people, an organization. This coheres largely with Max Weber’s (1967) juristic notion of the term. An institution does not necessarily need to have an organized body of members but only that an organ or organs represent it. Membership, if one can use the word at all, is based upon obligation, and the accession of new members is not dependent upon the will of the older ones but rather upon objective criteria or the discretion of the organs of the institution. Furthermore, some “members” of the institution, such as, for instance, the pupils at a school, have no influence upon its management (Weber, 1967, p. 158).

From this perspective, we classify the institutions surrounding Riot Games (an institution itself) by four key types, the first two of which are built around players and the latter two around other entities: nonprofit player institutions (consumers, fans, etc.), for-profit player institutions (teams, clubs, etc.), other nonprofit institutions (regional, global, etc.), and other for-profit institutions (collaborators, sponsors, etc.). These four types can be connected to almost all executive owners in esports; but as usual in the fast-paced industry, the state of art may change in the future. We show how these institutions contribute to the economy of League of Legends (henceforth League) in various ways as institutional promoters, thus supporting and maintaining the product's status as a (financially) successful esports. Although we call these institutions "promoters" specifically, we do not mean that they would deliberately serve any promotional means or be aware of such promotional value. Rather, the actions, and (sometimes) mere presence, of these institutions, produce diverse promotional effects that serve the esports product in question, thus granting them the status of an institutional promoter.

League was initially released in 2009 and eventually became one of the most played online games in the world with more than 103 million monthly active players (Kollar, 2016; see also Karhulahti, 2020, for a review). League operates as a free-to-play esports, in that playing the game is free; however, one can purchase optional in-game features such as skins that, for example, allow players to change the appearance of characters. The company behind the game's development and publishing, Riot Games (henceforth Riot), was established in 2006 and is presently based in California (USA). Beginning in 2011, Riot's majority stakeholder has been Tencent, a Chinese technology giant cited frequently as the highest-earning videogame company in the world and one of the largest tech companies in general. In late 2015, Tencent acquired the rest of Riot's shares, becoming its sole owner. Today, Riot administers League by modifying the product technically and overseeing numerous related institutions. In order to expand globally, Riot occasionally shares its administrative responsibilities with selected internal and external collaborators. For instance, although control of the Chinese professional scene has been granted to the mother company Tencent and its Pro League (LPL), League's publishing rights in Southeast Asia are linked to a local entertainment platform Garena (which, in turn, is part of the Singapore-based Sea Ltd.).

Riot collaborates closely with several for-profit and nonprofit institutions that promote League in multiple ways. Nevertheless, it very strictly prohibits these institutions from using Riot in their own promotions without permission. This brand-protection procedure applies, for instance, to third-party tournaments that Riot has chosen to support materially. Riot provides verbiage to make that distinction clear:

Riot does not sponsor Collegiate events, so please refrain from using the Riot logo on any art assets you own or create. If you would like to brand your event / club, you are welcome to use the League of Legends logo or the uLoL logo. If you choose to use the League of Legends or uLoL logos, please do not alter the logos in anyway. (CopperKitten, 2014, "Can I use the Riot logo on a flyer/banner/social media site?")

The next four subsections detail the key types of institutional promoters. Afterwards, we continue with our case studies that demonstrate the dynamics between these diverse promoters.

## Nonprofit Player Institutions

In online games, player communities constitute enforcing institutions as such, voiced and represented by its active members both as individuals and as various nonprofit organizations like guilds and clans. In League, the player community as a whole, at one point, held direct punishing power over its peers through a player-driven tribunal, although this system has since become run by an automated player report system (Blackburn & Kwak, 2014; Johansson, Verhagan, & Kou, 2015; Kou & Nardi, 2013; Kou & Nardi, 2014; Kwak & Blackburn, 2014).

Becoming a League player means becoming an institutional promoter in many ways, even if one does not directly contribute financially to the game. Merely by playing, the players promote the product by enlarging the player base, which is a practical asset of the game that enables team play features and enhances the production of presence (e.g., Myślak & Deja, 2014; Nardi, 2010). For instance, because every match of League requires 10 players, matchmaking wait times depend on the number of players engaged at any given time; therefore, the larger the player base, the more likely players will be online and the less time it takes to launch a match. One may thus contribute to the game's operability merely by playing and thus balancing matchmaking times.

In a similar vein, sharing play experiences within one's personal network or public forums adds to the product's vitality. A study of League's sister esports Dota 2, for instance, showed a clear correlation between player lifetime and the number of named friends inside the specific game (Guo, Shen, Visser, & Iosup, 2012). Communities of friends are also a key factor in nonvirtual interaction and gatherings. Events such as the League of Legends World Finals 2014 in Seoul mobilized 40,000 League players. By joining the event, each participant became part of a promotional activity. Similar patterns apply to other events, such as cosplay and fan art competitions. The hours that cosplayers and visual artists invest in their works are essential for such domains to exist. Meanwhile, those domains contribute to preserving and advancing League's depth as an ecosystem that offers various modes of engagement for its consumers.

In extra-game online economies, likewise, active engagement and participation in product-specific media add to the product's success even without direct monetary contributions. Time spent on League-related videos, articles, and social media transforms into traffic that fuels and fertilizes the game as well as the institutions around it. Social engagement in League relies on the actions of its player communities. A good example is the League forum on Reddit, which has about 4 million registered users. Large user numbers are critical for the forum's functioning, generating fresh news to read and comment on. Likewise, the fact that League is presented as one of the most spectated products on the livestream platform Twitch works as a magnetizing feature for both streamers and spectators. A large audience encourages streamers to broadcast the game and large streamer numbers offer the audience a better selection of streams to watch.

## For-profit Player Institutions

Teams are likely the most visible type of for-profit institution built around players. The recent structural changes in League's ecosystem reshaped the promotional role of multiple leading teams: Along with professional league franchising in Europe and North America, Riot transformed selected top teams into its permanent partners; they now represent the game and the company on a fixed basis. In this alliance, the teams in the League of Legends Championship Series (LCS), for instance, must follow LCS-specific rules set by Riot. These rules include,

among others, a requirement to maintain and keep under contract a team manager, a head coach, a strategic coach, and 10-15 players (Riot Games, 2020). The team is obliged to compensate the above with minimum salaries. For example, active players must be compensated with at least US\$75,000 per season, albeit the actual average player salary is currently estimated to be US\$410,000 (Mellor, 2020). In turn, the contracted team members are obliged to follow a number of regulations, such as the Team Member Conduct (Riot Games, 2020, Section 14) that prohibits harassment, offensive language, and many other actions during as well as outside of gameplay.

The majority of the present professional League teams represent clubs, which are for-profit player institutions that may host multiple professional and nonprofessional teams. An example is T1, part of the Korean sports club SK Sports that also runs sports teams in baseball and basketball. SK Sports itself is operated by SK Telecom Co. Ltd., a publicly traded company in the telecommunications industry. As we write this, T1 is now partnering with Philadelphia-based Comcast Spectacor in order to establish a joint venture (T1 Entertainment & Sports) in the larger esports industry with players and teams in 11 other esports too. Riot regulates professional competition so that no more than one professional team in a league can represent a single owner. At the same time, the team's most famous player, Faker (Lee Sang-hyeok), has now been granted a part-ownership of the organization, thus complicating the network still.

Organizations that serve players' financial interests can be considered another type of for-profit institution that operates next to the above. Although these associations and unions might not be profitmaking as such, their goal is explicitly to secure and serve the benefits of players—and their monetary benefits in particular. The first major initiative rose from the Ukrainian esports club Natus Vincere in mid-2015, whose manager Alexander Kokhanovsky gathered 10 major esports clubs to announce collectively specific demands for the 2016 season (Thomas, 2016). The clubs that joined agreed to decline all Dota 2 and Counter Strike online events in order to increase the quality and prominence of live local area network (LAN) events. Along the same line, the clubs rejected all live LAN events that provide less than US\$75,000 prize pools. In addition to collaborating institutions providing accurate data and press material, the teams themselves submitted to publishing media reports and press releases about their participation. However, due to Riot's position as the designer, owner, and leading tournament organizer of its sport, this had little effect on League. In 2018, Riot helped establish its own separate North American Players' Association (not a union), the results of which are still to be seen.

### **Other Nonprofit Institutions**

From the very beginning, esports have been influenced by organizations that do not operate on a for-profit basis, such as various regional esports institutions. Perhaps the most renowned is the Korean Esports Association (KeSPA). An example of KeSPA's activity is the statement it gave in 2014 insisting that all professional South Korean esports players must be provided with a 1-year minimum contract that follows local minimum sport salary policies (approximately US\$18,000 per season). As the KeSPA's ruling governs all South Korean esports, it also affected professional League play in the region.

One of China's national esports organizations, LACE, has had a similar role. As an illustration of its power and will, professional League teams in China, until 2015, did not have to follow the single ownership rule administered by Riot. In China, companies and clubs could have multiple professional teams in the same division (Lingle, 2014). Likewise, until later, Chinese teams did not



have to follow Riot's interregional movement policy that limits the number of foreign players on teams to two. LACE also exerted powers of punishment: During spring 2014, for instance, it punished the local club AcFun with a US\$64,000 fine for breaking transaction rules (Man, 2014).

More recently, legislators in Nordic Europe have taken several active roles with diverse consequences. For instance, Finland's national broadcasting company YLE has proved a major institutional promoter by streaming live esports tournaments via its official television network multiple times a year, whereas in Norway esports were added to the core curriculum in some high schools (Diver, 2016). International nonprofit institutions have also begun to appear, such as the charity-driven Esports Foundation and the diversity-inclusion advocacy group AnyKey.

### **Other For-profit Institutions**

Numerous profitmaking companies have ended up as core actors in global esports. Publicly traded giants such as Coca-Cola, Google, and Intel have integrated themselves within the esports ecosystem as sponsors and producers of equipment and service. Alongside these traditional corporations, modern streaming platforms such as Twitch (owned by Amazon) and YouTube (owned by Google) play an important role by enabling their users to broadcast and watch live esports play. Although League players were not initially allowed to license their play for a fee (see Haas, 2013), Riot eventually changed their policy (see Tassi, 2013). It is worth noting that not all streaming platforms were granted these partnerships in the beginning (see Bright, 2013a). For a comprehensive review of for-profit institutions in esports, see Tobias Scholz (2019).

## **CONFLICT INCIDENTS**

Within the above-described network of parties involved in esports, conflicts inevitably ensue. Even though many of these conflicts arguably result from the complexity, inexperience, and lack of knowledge in the esports field, the industry is already more than two decades old. Up to the present date, the esports industry still has yet to develop solid ethical policies that would have facilitated conflict resolution between the institutions that make use of and promote esports games.

Below, we explore five early conflicts that tested the relationships between League, Riot, and/or their institutional promoters. The first subsection involves the institutional complexity related to the live-streaming rights of the Korean professional player Faker. The second subsection discusses the institutional policies related to the behaviors of another professional player, Incarnation. The third subsection dives into Riot's regulation of its own competitive institutions through a case involving the Chinese team LMQ. The fourth subsection looks at the economics of institutional relations via the team TSM's sponsor actions. The final subsection concludes by presenting a sequence of Riot-governed events that followed the above.

### **Spectate Faker: The Right to Watch and be Watched**

Korean esports player Faker (Lee Sang-hyeok) is widely considered the best League player in the world. By the time of the events described below, his team T1 had obtained a sponsorship contract with the streaming platform Azubu (see Figure 1). According to the contract, professional players of T1 were obliged to stream their practice play exclusively via Azubu's client.



**Figure 1.** A (complex) network of institutions: Faker, playing League of Legends (a Riot Games-governed and Tencent-owned esports game) for the team T1 (under the Korea e-sports Association); contracted with the live-stream platform Azubu. Influenced by fan interest, one fan created the “Spectate Faker” identity that ran via the live-stream platform Twitch, ultimately generating a controversy that was largely processed through (and influenced by) the discussion forum Reddit.

In early 2015, a Twitch user with a pseudonym Lucian created a livestream channel, “Spectate Faker,” on that forum. The channel used the website OP.GG to track down and broadcast every match that Faker played with his Korean League account. The channel soon gathered a significant following, as Faker (just as other T1 players) had been prohibited from streaming his play via Twitch due to the contract with the less popular Azubu platform. Soon after establishing Spectate Faker, Lucian received an email from Twitch:

The content you streamed and archived on Twitch at <http://www.twitch.tv/spectatefaker> was the subject of a takedown notice we received from Azubu pursuant to the Digital Millennium Copyright Act (“DMCA”). This organization has asserted that it owns this content and that you streamed that content on Twitch without permission to do so. As a result we have cleared the offending archives, highlights, and episodes from your account and given you a 24 hour restriction from broadcasting. (Lucian, 2015, para. 3)

Despite the email, Lucian decided to continue streaming, referencing Riot’s terms of service that only disapprove of the commercial licensing of play. As Lucian was not making money with the channel, the actions could not directly violate Riot’s terms of service.

Even though Riot’s terms of service did indeed allow players to stream League content via Twitch (even commercially), the firsthand owner of the streamed content was Riot itself. Moreover, because the contract between T1 and Azubu had been made without Riot’s permission,

Riot had the right to refute the contract. Nevertheless, Riot did not wish to disrespect the contract between T1 and Azubu. Such contracts are, after all, significant for the players, teams, and other institutional promoters. Thus, Riot soon provided Lucian with the following statement:

If you are going to stream another player's games, it makes sense to reach out to that player first (in this case Faker) and get their permission. It's simply the right thing to do. Raising the visibility of a person's match without their knowledge is questionable because they may be assuming that they are just casually playing a game with friends when in reality they are being broadcast to a larger audience. (Lucian, 2015, Update 8)

Not long after Riot's statement, Lucian discontinued the Spectate Faker channel. In 2017, Faker moved to livestream his play officially in Twitch.

### **Punishing Incarnation: Behavior Regulation and Control**

On January 23, 2013, Riot announced a permanent ban for Danish professional League player Incarnation (Nicolaj Jensen). Due to his consistent in-game harassment, abuse, and cheating (by means of distributed denial-of-service) in ranked play, Incarnation was declared

- “Ineligible to compete in the LCS [the professional European and North American league at the time] Season Three European Qualifier in Warsaw, Poland, January 25–27, 2013.
- Ineligible to compete in the LCS indefinitely; this suspension shall commence immediately.
- Ineligible to compete in any Riot-affiliated League of Legends tournaments indefinitely; this suspension shall commence immediately.” (This official ruling to Incarnation by Riot has now been removed from the Internet, but see LoL Gamepedia, 2020, for a summary and examples of these infractions on other players.)

Because League is played through accounts, accessed through the Internet, to enter the virtual sport environment, a banned professional player can easily create a new account and enter lower competitive factions under a new pseudonym. Thus, the punishment also added that Incarnation's “all future accounts will be permabanned on sight” (LoL Gamepedia, 2020; item 2013-04-02).

Unlike the practice of banning in most other sports, permabanned professional League players have a hard time making use of their learned skills. Even though no one can disallow a punished football player from continuing game-related businesses and daily practices on the pitch, banishment from League servers is an absolute dismissal from an activity that takes place solely within Riot's online environment. Incarnation could not move, for instance, to work outside professional League scenes as a streamer because any access to the game required an account, which Riot indicated would be deleted automatically; the same is true for any public appearances.

No longer able to play, Incarnation found a new profession as a coach for the German esports club SK Gaming. A follow-up conflict emerged in late 2014, however, when SK Gaming qualified for the World Championships held in Seoul, Korea. Before the tournament, Riot announced that they would revise the World Championships rulebook to consider coaches as official team members (Turton, 2014). As a result, Incarnation was unable to coach at the event.

In November 2014, Riot renewed its judgment system with a reform policy. Permabanned players were no longer absolutely dismissed but, instead, subject to continuous review and re-evaluation. By showing good long-term behavior, permabanned players could be pardoned by

Riot at its periodic tribunal conference. This decision resulted in Incarnation's pardon 2 years and 3 months after his verdict. He subsequently returned to competitive professional play for the team Cloud 9 in season 2015 (see Chalk, 2015).<sup>2</sup>

## **LMQ Goes to America: Ruling Competitions and Competitive Ruling**

China's esports teams have become well-known for their high-level play, but also for numerous scandals. To escape widespread corruption, fraud, and match rigging, one Chinese professional League team, LMQ, decided at the end of 2013 to move to California to compete in the North American professional league, the NA LCS. Following LCS competition rules, players of LMQ had no shortcut to the league but had to

- create new accounts for each player on the NA server,
- play 100–200 hours per player to boost those accounts to the level cap,
- form a team of their capped personal accounts,
- enter and win the NA Challenger tournament to reach the professional NA LCS.

By April 2014, LMQ had done all the above. Just prior to the start of the spring season in the professional NA LCS, LMQ presented themselves under a new owner, the American company A&K Esports, who signed their contracts.

The situation became more complicated a few months later, however, when Riot discovered that A&K Esports was also the owner of Lolclass.com, a website that sponsors several other professional League teams. A&K Esports thus had a conflict of interest. Riot immediately provided A&K Esports with two options: divest ownership of LMQ or drop sponsorships of the other teams; A&K Esports chose the former. At the same time, however, the team's original Chinese owner, Tian Ci, contacted Riot and provided evidence indicating that A&K Esports never owned LMQ but rather only had been appointed by Tian Ci to help manage the team in the NA. A couple of months later, the players of LMQ announced that their contracts were transferred again to a new owner, the recently established Chinese company Luyu Esports. Riot concluded,

We're striving to resolve this ownership dispute with limited disruption to the players. We will facilitate a smooth resolution to minimize any further distraction to LMQ as they look to finish off an impressive season [2014] in the NA LCS. Based on this incident, we will be reviewing the new owner approval process and owner eligibility requirements for the 2015 Season. (Riot Games, 2014, para. 8)

Ultimately, League fans expressed concerns regarding LMQ as a team composed entirely of Chinese nationals with Chinese ownership competing in the North American league. Accompanying these concerns were a number of instances of racist rhetoric (Zhu, 2018), serving to further influence policy and action. For the 2015 season, Riot announced a rule change to the NA LCS rulebook under "Regional Residency Requirement," which stated,

a player is deemed to be a Resident of a region if such player has legally resided and been primarily present in such region for no less than twenty-four months out of the thirty-six months immediately prior to such players' participation in the first game of the applicable tournament (i.e. a match in the World Championship Event, LCS, or Challenger Series). (Riot Game, 2015, p. 6)

Before the 2015 season began, LMQ was rebranded as Team Impulse; they finished the season in fourth place. The next year, Riot banned Team Impulse from continued participation in the LCS due to its failure to pay its players on time as well as for not having proper player contracts in place (see LeJacq, 2015).

### **TSM Plays Raw Data: Sponsor for Us All**

The fourth season of professional League was about to begin with a new rule that brought a major effect for professional players. Originally, in order to keep players at arm's length from competing videogame companies, Riot planned to prohibit each professional player in the LCS from livestreaming any rival gaming titles (Bright, 2013a). However, after realizing that a significant portion of the professional players' income comes from livestreaming (in which switching between videogame titles might play a crucial role), Riot decided to revise its rule. The new rule indicated that, although the "players and teams contracted to play in LCS cannot be sponsored by other game companies to advertise competing games, they are free to stream them as they see fit" (Bright, 2013b, para. 2).

During the first half of the sixth season, a related problem emerged as the club TSM's professional League team released a video on YouTube titled, *TSM Plays Raw Data*. The video officially was intended as an advertisement for an upcoming virtual reality technology, HTC Vive, which was sponsoring TSM at that time. After noticing this, Riot threatened to fine TSM for breaking its rules because, in addition to the sponsoring technology, the video showed material from another videogame, Raw Data (Dinh, 2016). Riot representative Rozelle explained,

Real talk, that TSM sponsorship wasn't an actual HTC ad. It was a promotion for a VR video game for TSM to play (the title of the YouTube clip is literally "TSM plays raw data" [sic]). Regardless of whether HTC organized this or not, it's a tacit advertisement for another game. (Rozelle, 2016)

In response to Riot's argument, the sponsoring company, HTC, published an extended public statement on its Facebook page, excerpted here:

We are sorry to hear this allegation as it was never our intention to advertise anything but the HTC Vive, nor were we strategically trying to circumvent any rules Riot has with its LCS teams and players.... Survios, the creators of Raw Data, did not make any financial investment into the production of the video, nor did they approach us to get it made.... For effective outreach, we must showcase the many experiences and games available, much like how game consoles such as the Xbox, PlayStation, or even laptops are advertised. We simply cannot market the Vive without people playing it and showing the gameplay, and we hope that Magus [i.e., Rozelle] and others at Riot Esports will understand this. (HTC Esports, 2016)

At the time of publication of this paper, TSM's video remains available for public viewing, with sequels. The franchising of the LCS later changed the sponsoring dynamics significantly.

### **Love Me Some Regi: The Search for the Mutual Benefit**

The events described in the above subsection were some of the key factors that triggered a major political debate in summer 2016 among a number of esports clubs (including professional teams) and Riot. The HTC case was among many adjacent ethical issues that caused TSM's founder and

owner Andy Reginald Dinh to state in an interview (Score Esports, 2016) that the professional teams and players in League work constantly under great financial risks and with multiple practical problems set by Riot. Soon after, Riot's cofounder Marc Merrill replied on Reddit's online forum:

Love me some Regi [Dinh], but if he's so concerned about the financial health of his players, maybe he should spend some more of the millions he has made / makes from League of Legends on paying them instead of investing in other eSports where he is losing money? (Merrill, 2016, para. 1)

Merrill's comment was followed immediately by a massive number of critical replies from various influential individuals, teams, and companies, including HTC. The most cited response came from Dinh himself, who shed more light on how the LCS restricts collaborating clubs and teams from conducting business:

LCS told team sponsors, which are a necessary source of revenue, that they can't even go backstage to watch the players compete. Teams can't have sponsor branding on beverages or hats. Logitech is one of our greatest and most supportive sponsors and they simply can't get visibility through us competing in LCS because we can't wear their headsets while competing... Traditional major sports organizations own stadiums and franchise rights in a league. In my case, Marc owns the game and the exclusive league and he just offers me a contract every December to participate in LCS, a slot which I risk losing twice a year. I can't earn anything related to LCS except what he pays me or allows me to earn. I've done all I can and it's not enough. (Dinh, 2016, para. 9, 13 & 14)

Even though Riot did help each of its LCS teams pay the salaries of their coaches and players (supplying US\$25,000 per player/year plus bonuses that year), its sponsoring restrictions visibly made it relatively hard for many clubs and teams to establish and practice a stable business. On September 22, a month after the incident, Riot released an official renewed economic policy:

From now, 25% of the revenue from each year's Championship skin and Championship Ward [optional in-game purchases] will be added to the Worlds prize pool ... Next year, we'll be introducing new revenue sharing opportunities, such as team-branded in-game items and esports promotions, as well as improving revenue sharing on summoner icons. We believe the potential for revenue is extremely strong for committed teams building strong brands—but given that these are new and untested products and we're looking to address an immediate gap in team revenue, in 2017 each league will set aside a guaranteed minimum to each of its teams as it determines appropriate based on regional needs. (Riot Games, 2016a, Unlocking Digital Revenue, para. 2 & 5)

Only a few weeks later, the share that Riot had decided to direct to its World Championships (25% of selected virtual item sales) had increased the total Worlds prize pool—to be shared by the participating teams—from US\$2 million to over US\$5 million. The NA LCS was franchised a year later into a closed league with a redistribution of profits as follows:

- 35% for players, which pays for their base salaries (increased to €75,000), along with bonuses should the league perform above expectations.
- 32.5% for teams, which will be split into two parts: One divided equally, the other divided by competitive and engagement metrics.

- 32.5% for Riot Games, for broadcast production and organization costs (see Liquipedia, 2016)

Following these revisions, fewer public disputes have occurred between Riot and its LCS teams. However, the franchising of the league has resulted in various other ethical and political issues, some of which are touched on in analysis below.

## ANALYSIS

The above cases just scratch the surface of the continual conflicts in the world of esports and its institutions. In all of these cases, primary issues to note are the imbalanced structures of power, consent, and practice. Whether it comes to Lucian (and the fight for the Spectate Faker channel), Incarnation (and his competitive career), LMQ (and its status as a League team), HTC (and its esports sponsorship role), or Dinh (and his efforts to lead the team TSM), all these individuals and institutions acted in conflict with Riot/Tencent, with limited resources to hold their own.

### Power Differentials

In the case of Lucian, an independent fan triggered a sequence of events that ended up problematizing a number of signed contracts between major institutions such as Azubu, KeSPA, T1, Twitch, and Riot. Although the moral nature of Lucian's actions can be probed as a privacy violation (as Riot pointed out), the company's advice to "reach out to that player first" is not unproblematic either. Few people possess enough power to reach out to the most popular player in the world; thus, Lucian's decision to proceed was simply one of the few options available.

Incarnation's punishment for specifically prohibited behavior, in turn, represents the problematic imbalance between professional players and the esports products to which they dedicate their adolescence and early adulthood. Even though Incarnation (today known as "Jensen") successfully regained his professional status, Riot held no juridical obligation to grant a second chance. In other words, at the time of Incarnation's banishment, professional League players who have invested years in honing their skills toward professional status did not have guaranteed access—as either a professional or amateur—to that game following their transgressions. By the sole decision of Riot, players could be excluded not only from professional participation in their skill-exclusive trade (also as, e.g., coaches) but from preserving their skills within the trade as well because their accounts were banned on sight.

The LMQ narrative reiterates the above issue on a higher organizational level. The LMQ organization evidently had its problems, yet the dilemma of Riot's exclusive power to decide that team's future (and that of the individuals involved) remains even to today. As it goes with other "competitive rulings" by Riot over its players, teams, and other parties, the related investigations took place behind the scenes and the accused had no means of public defense, save personal social media statements. The accuracy of and justice in Riot's decisions remains questionable, particularly because the documents and their critical analysis involved in this—and other cases—are nonpublic.

TSM's sponsorship agreement with HTC is another instance of conflict between Riot's regulations and a team and its business. Due to the scarcity of means to monetize within Riot's rules, multiple teams at that time struggled with revenue generation and, as LMQ's example demonstrated, simply failed. TSM's decision to collaborate with HTC (via playing Raw Data) was obviously a

borderline test for what Riot expected from its promotional partners. At the same time, it was a symptom of a twisted economy that finds institutions such as TSM taking the financial risk of investing in Riot's game while, in return, being hamstrung in terms of monetization and having no financial guarantee of long-term stability.

Ultimately, these power imbalances culminated in Dinh's (TSM founder) confrontation with Merrill (Riot cofounder). In this David-and-Goliath verbal skirmish, Dinh's public critique on the problematic club/team–Riot relationship managed to gather the sympathy of the masses, thus coercing Riot to evolve its business model and for Merrill to apologize publicly for his choice of words. However, Dinh's triumph is a rare instance of industry survivor bias. According to Riot's rules, comments that discuss Riot in a negative light break the contract that managers and players must sign with Riot in order to formalize their status. This expectation and practice by Riot creates a significant power differential in favor of Riot. Thus, over the years, a number of others in positions like Dinh's have not fared as well and, instead, have been forced to leave the business.

Overall, League's esports ecosystem can be described as a power hierarchy in which Riot (Tencent) defines the rules of the game both literally and figuratively. Clubs, investors, teams, sponsors, and players (from amateurs to professionals) must follow and respect Riot's complete regulations if they wish to keep their positions in the ecosystem. Given the notable financial stakes—even if it makes sense, from Riot's position, for the company to construct and oversee a rules system concerning those who engage in their game—such rule systems should aim at partnerships in which all parties are free to express themselves across power imbalances and not be bound by constraints that limit anyone's everyday pursuits.

In a recent wide-ranging study on the livestream platform Twitch, T. L. Taylor (2018) noted how streamers express “frustration of paying out of pocket to attend events to speak about the power of broadcasting on the platform while not being funded by the company to do so [thus generating] terrific promotional opportunities for Twitch, but the streamers felt that their labor went undervalued” (p. 124). Meanwhile, League's sister esports Overwatch, led by the publicly traded multibillion giant Activision Blizzard, has introduced its own franchised professional league in which participating players must sign contracts stating that Blizzard “even has the right to install 24/7 cameras in team houses and practice spaces to create a reality TV show, with cameras everywhere but the bathroom” (Myers, 2018, para. 1).

The examples of Twitch and Overwatch indicate that the issues explored in the present discussion of League represent more general trends. Whether it is one's livestreaming career with Twitch or that of an Overwatch professional with Blizzard, the chasm between the individual (or team) and the market-leading company that hosts them is severe and leaves little agency for the former, especially when disagreements arise (and compare this to, e.g., Valve's approach to its esports; see Witkowski & Manning, 2019). Again, although a need exists for a ruleset to clarify, guide, and protect all parties, currently most cases demonstrate that “Goliath” simply offers a contract without room for negotiation. Yet, because careers in the industry are charming enough to attract countless young want-to-be professionals, these nonnegotiable sacrifices typically are accepted in return for the dream of high returns later.

## Consent

Another factor that shadows the conflicts discussed above is the ambiguity within and lack of consent, especially concerning the individuals' and institutions' promotional statuses. The



exchange rate of effort and (financial) reward often is explicitly sealed by contracts; however, the promotional function of entities is left as a matter more complex and unwritten. How well aware are the involved individuals and institutions of their roles as the game's promoters, and how well should they be?

The rules of professional League play in Europe, as well as the game's general Terms of Use, oblige all involved parties to follow what Riot calls the "Summoner's Code." This directive advocates six principles:

- "Play as a team, win as a team!
- Don't rage, blame or tear people down
- Make allies on the Rift
- Never feed intentionally and don't give up the fight!
- Lead the way for newbies, be helpful
- Keep your account information private" (LoL Wiki, 2020)

Riot elaborated these principles with further descriptions. For instance, the third principle continues, "Why not send a friend invite to anybody you particularly enjoyed having on your team?" (LoL Wiki, 2020). Also, Riot has the power to outline penalties based on the above. At the professional level, in a failure to meet the Summoner's Code, "League Officials may assign penalties at their sole discretion" (Riot Games, 2019, p. 39).<sup>3</sup>

It is improbable that Riot would ever punish a player for not sending a friend invite. Nevertheless, the premise that players and other team members are expected to acknowledge and follow not only the principles of fair play (which are outlined separately) but also those of the Summoner's Code (the company's vision of implied play) deserves attention. Specifically, each professional and nonprofessional League player (as well as other team members and the owner) submits to what Riot perceives as fitting behavior, including "making allies" and other acts that carry promotional effects. By joining the institutional communities of League, each individual also signs on to promoting the game and its values.

At the professional level in Europe, the above ambiguity is accompanied by a rule concerning out-game public behavior that disallows various anti-Riot and anti-League statements. The rule states,

Team Managers/Members may not give, make, issue, authorize or endorse any statement or action having, or designed to have, an effect prejudicial or detrimental to the best interest of the League, Riot Games or its affiliates, or League of Legends, as determined in the sole and absolute discretion of the League. (Riot Games, 2019, p. 39)

As above, because what counts as such "prejudicial or detrimental" behavior is determined by the "sole and absolute discretion of the League," such largely undefined terms of misconduct may nevertheless lead to punishment. Similarly, all team managers and members are required to sign an agreement that stipulates they avoid actions or statements that are negative to League, Riot, and their affiliates. Without explicitly knowing what such actions or statements are or could be, the determination of the nature of those actions and statements is left to the judgement of the governing body of Riot experts. The single safe option for anyone involved, therefore, is to stay silent and promote the game.

A parallel comes once more from *Overwatch*. The Korean national broadcaster, KBS, recently announced a new reality TV series, *God of Overwatch*, to scout upcoming talent and ultimately form a team for Blizzard's professional league. In grounding the idea of looking for talented players

among the extremely competitive Korean esports scenes, KBS (according to “Gameple”) also mentioned “that it’s looking to break the stereotypes associated with gaming and display the growth of esports to the wider public” (Amos, 2019, para. 6). The case illustrates well the promotional logic of the esports ecosystems in general: Parties are recruited to establish, develop, and maintain competitive sports careers on both individual and organizational levels with explicit contracts that define the effort–reward ratio, yet in the end, the involved parties are all still expected to “display the growth of esports,” as the quote above requests, in one way or another. In League, Overwatch, and other esports that run their exclusive competitive titles with executive ownership, partnerships are defined by the endorsement of the brand—that is, institutional promotion—a condition rarely exposed as a basic condition for becoming part of the game’s fair play.

## Practice

We understand pragmatist ethics in a sense that largely draws on John Dewey’s writings on morality. In this rubric, the concern is not so much an individual action and its moral nature, but rather the overall moral character of institutions, organizations, and societies. For Dewey (1916), all conduct is social, and morals are “as broad as acts which concern our relationships with others ... all our acts, even though their social bearing may not be thought of at the time of performance [to] have a direct and perceptible influence on our association with others” (pp. 414–415). As we discuss below, the ethical lineage of esports and its governing companies are shown to operate largely according to the pragmatic principle: All conduct by Riot is social and so it is evaluated ethically by its partners, which affects (i.e., sets guidelines for and/or limits) the company’s actions.

In the Spectate Faker incident, the actions of several parties represented an ethical rhizome where each individual and institution was set to consider their effects on connected others. For Riot in particular, the situation emerged as a paradox. Even though Riot held a legal right (as the primary owner of the game content) to refute the contract between the team T1 and the livestream platform Azubu and could have resolved the majority of the issue easily, doing so would have been deemed unethical by many of its institutional promoters. Thus, such an action made little sense. Instead, Riot appealed to the morals of the creator of the Spectate Faker broadcast (i.e., “if you are going to stream another player’s games it makes sense to reach out to that player first”), which enabled them to handle the case without directly interfering with the contract between its bigger promoters.

Riot’s decision to refute Incarnation’s right to coach in 2014 quickly resulted in a reform policy, according to which “permanently” banned players would always have a chance to return. With this rule change, Incarnation finally reacquired his professional player status after 2 years and continues to play professionally. Again, the pardon chosen by Riot was not obviously beneficial for the company in a direct way. One could argue that where one player’s behavior caused problems or was damaging the brand, no shortage exists for others lining up to take the place of the banished player. However, Riot’s initial execution of its absolute power by eliminating *all* of Incarnation’s options to participate professionally in any capacity (or even recreationally) in League was also a negative signal to both existing and future professional players: One mistake could end one’s career permanently without a right to appeal or avenue to improve. Riot’s rule change, first and foremost, was an ethical decision in the pragmatic sense: constantly following and re-evaluating problem-causing players generates more work (and expenses), but also acknowledges that those who

dedicate their lives to professional League play will never lose permanently their investments of time and effort.

The way in which Riot dealt with LMQ characterizes their ethical dynamics in practice. Again, Riot expressed its concern for the players by offering them the opportunity to continue working both in the short term (“we’re striving to resolve this ownership dispute with limited disruption to the players”) and the long term (the added 2-year residency rule allowed the Chinese players continue in the NA). Although the issues surrounding LMQ were resolved via direct formal exclusion from the league, the procedure was executed to “protect the players” (Riot Games 2016b). Riot’s moral action thus contributed to its ethical image as a player-supportive company that is ready to use its executive power to help the weak, ultimately banning LMQ/Team Impulse due the team’s incapacity to pay proper salaries.

For HTC, Riot decided to bend in order to satisfy its promoting partners. Even though the sponsored team literally “played Raw Data” and thus most likely would have granted Riot the legal right to cancel the sponsorship, pull down the advertisement, and punish the concerned parties, it instead left things as they were. Whatever the original intentions and legal details of the involved institutions may be, Riot’s actions echoed morals, regardless of the company’s absolute power over its esports product that served to please those with *less* power in order to maintain an active promotional network.

The above logic culminates in the last discussed incident in which profit redistribution led to franchising the Western leagues. In a situation where teams like H2K were reporting losses of more than €1 million per year regardless of competitive success, Riot had to reconsider its rules (Newell, 2017). With the franchised league concept, Riot reduced its own financial and regulatory reign while securing teams and players with long-term contracts that provided increased revenue, fixed professional statuses, and more freedom in terms of both agency and monetization. In other words, Riot chose to give away some of its assets in order to make sure its partners would not run out of their own.

Riot’s actions and its morality constitute a pragmatic reality, where all ethical conduct is social and directly influences the actor’s associations with others. It makes sense for a company like Riot to make choices that not only serve itself but also those who promote it. In the end, as Riot’s actions continuously are evaluated critically by its partners, the company must follow positively acknowledged ethics if it wishes to maintain its position as an industry leader.

## DISCUSSION

With few exceptions, societies are facing the global consequences of insufficient prioritization of ethics in educational systems from kindergarten through postsecondary and beyond. In the Science, Technology, Engineering, and Math (STEM) disciplines, ethics is still a niche topic, if not an altogether expendable one. Whether considerations of ethics (and with it consent, privacy, surveillance, and identity) have been undertaken over the course of a special case study, week, or course, it is wholly inadequate if not woven into a larger social ethic and culture. However, for the purposes of this article, we concentrate specifically on the way the (ethical) nature of and practices surrounding consent weave in and out of sociotechnical conversations and agitate further for its inclusion. Thus, we argue for the advancement of a theoretical, conceptual framework focusing on the role of institutional promotion within esports in addition to the retrospective case

study/scenario approach that has limitations for preempting ethical transgressions that already are taking place in the industry. In order to pursue practical guidance too, in this section, we provide a brief summation of policy implications that this work raises. We advance the possibility that the current system has not been ethically sustainable and posit alternative models for thinking through the esports industry model.

The cases we have discussed reflect the vulnerabilities that exist within the highly diverse group of parties and people engaging in institutional promotion. The mutual issue in most of them is that few institutions (and their members) are aware of their promotional status and power—or lack therefore—in that the times at which consent may occur in the process of becoming a promoter rarely is explicit. With the benefit of hindsight, we examined these cases to highlight various ethical shortfalls that display a need to study ethics and power in the context of institutional promotion.

Consent has been a repeatedly contentious topic in dealing with ethical conduct within and for research in game communities. Obtaining consent specifically does not concern all our cases (some of which include written contracts to which we are not privy). Nevertheless, we argue that the ethical core in institutional promotion is the communication of consent. As a conceptual cornerstone of ethics in this context, Chee, Taylor, and de Castell (2012) drew attention to how unaware the typical user is when clicking through an End-User License Agreement, particularly because it is a long, turgid legal document standing in the way of initiating play. The agreements typically were not read, and participants of that study were unaware of what they had technically agreed to surrender (including their user data, their labor, and privacy in the specific study) when they ticked the consent box. Our main goal in this study was to highlight the degree to which, in the context of gameplay (and hence a major part of esports), users are unaware of the web of expectations and promotional outcomes that the myriad parties involved set in garnering their “informed consent.”

The focus of consent is important here because it draws together, implicitly and explicitly, the social and cultural domains of power. As the cases demonstrated, League users introduce value as institutional promoters without their explicit consent, even as they consented to the required contractual wording: There is much more to contracts than their surface. We build upon the need for a greater visibility of consent as an ethical means of guiding the discussion on esports and institutional promotion. The discussion also moves to the possibility of considering other nonsports models (such as possibly making players “performers”), as well as the issues related to the precarity of the many in esports as yet one more digitally mediated facet of a trend toward labor organization. Perhaps a shift in focus is needed on whether higher ethical standards “should”—rather than merely “can”—be pursued in order to benefit the industry worldwide. In our research, we are interested in the people, both as individuals and institutional representatives, becoming drivers and consenting agents of their own conditions, which is the broad rationale for our examination herein.

In addition to calling for a clearer framework for the multifaceted promotional institutions in the esports ecosystem in matters such as consent, we draw attention to the significant differences in power between institutions and their individual actors. Along with the recent developments of franchising in Europe and North America, Riot has taken major promising steps toward a more balanced system of opportunities for its players, teams, sponsors, and other institutional promoters who are now committed to work for and with Riot for longer periods. Although this more nuanced understanding of mutual respect can be considered positive progress generally, it also may be perceived as pragmatist ethics in action: Because all involved

parties tend to benefit from it in the long run, it is simply rational for those with more power to pursue balance and equity in many respects.

## GETTING TO FAIRNESS AND EQUITY

One way in which gameplay has been framed has been through quantifying various movements. Just as many in the data science community have argued, the practice of converting descriptive objects into information, “informating” (Zuboff, 1988, p. 9), is by no means objective and is, in actuality, quite arbitrary. In the videogame context, Egliston (2019) argued that statistical, self-tracking utilities have shaped how gameplay “appears” and hence the phenomenological experience and valuation by users of their own quantified activity. We argue that it is the framing and valuing of this activity by institutions that have led to models from traditional professional sports activities to serve as the template for economic reward. The basic question that our analysis and discussion leads to, however, is whether or not deriving a model informed by performance rights (akin to those applied to actors and those who make “appearances”) and moral rights would lead to a more ethical and just industry. This is why we advocate for a more generous and equitable model than perhaps the sports paradigm lends itself to, which may be found in the principle of moral rights.

The principle of moral rights stems from civil law precepts underpinning copyright legislation (Government of Canada [GOC], 2020), namely, that the right to creative effort is a natural right emanating from the individual and dignity thereof. Moral rights recognize that a person has a relationship to a creative work beyond that of its pecuniary value. Copyright expert Meera Nair (2014, p. 333) explained that moral rights, “arose out of the European civil law approach concerning the protection of intellectual effort and the creators of that effort,” and that creators give of themselves in the process. Moral rights typically include some combination of (a) the right to be recognized as the author of a work (i.e., attribution) or the right to remain anonymous; (b) a right to have one’s work and authorship treated with respect—that is, prevent unauthorized uses of a work where the use contradicts the creator’s own ethical compass; and (c) the right to ensure that the work is not damaged or distorted (although, according to Nair’s analyses, this usually is qualified as nothing should be done to a work that prejudices the author’s reputation). Countries vary in their allowances of whether moral rights can be waived and how long the rights may last.

As old and new forms of media intersect, the artificial divisions between ethics and moral rights are becoming more urgent for institutions to grapple with, especially in their consent policies. The ideas (and ramifications) of property, one’s image, choices, and the like are no longer kept within manageable boundaries and are rather atomized when it comes to the provision of consent. Ethical boundaries have become harder to navigate, especially when the issues of power come into play, as we illustrated here. The implications of what professional play, professionalism, monetization, and brands look like are becoming increasingly murky. What is clear, however, are the extreme power imbalances that occur and complicate actions as well as their evaluation when questions of reward and monetization emerge.

Given that moral rights are considered noneconomic rights, they tend to have a lower profile in statutory law, particularly common-law regimes. The legislation we examined from the United States of America (US Copyright Office, 2020) gave very little attention to moral rights and even its narrow implementation thereof did not occur until 1990. The United States limits moral rights

recognition only to visual art and, even then, only when there is an element of scarcity about the creation (i.e., single works of art or limited numbers of reproductions). In contrast, Canada was the first common-law country to adopt moral rights, which it did in 1931 (GOC, 2020). Yet another comparison is in the European context, specifically France (Légifrance, 2020), which places considerable weight on moral rights, to the extent that an author can seek to have a publication withdrawn from circulation (albeit at the author's expense) if the author feels the publisher did not produce the work as desired. Consequently, from a moral rights standpoint, this continues to give original artists substantial power over their own work (even if only in principle) that is much greater than the U.S. treatment of moral rights. If U.S. jurisdictional legislation, which we examined explicitly due to our focus on Riot, prevails in these (often global) contexts without change, then, the consequences of a kleptocratic model in operation will most likely continue. We therefore advocate for a more global approach to rights, in accordance with and appropriate to the global audience of esports.

## CONCLUSIONS

Esports have recently stabilized into the economies and ecologies of present-day global culture. Through our examination of institutional promotional practices, specifically embodied in the practices of Riot and its product League as the main subject, we consider the mechanisms by which esports players and other actors walk the boundaries of labor, performance, and play. In this article, we have suggested that institutional promotion—the array of procedures by which commercial products draw and engage various individuals, communities, and organizations into their consumption—is one of the central principles by which the esports phenomenon has come to proliferate and persist. This economically pertinent principle consists of both ethical and political dimensions by nature and, as such, provides a basis of understanding previous and future conflicts that emerge in the field.

We note that *esports*, as an umbrella term for multiple gaming-related activities that involve competition to varying degrees, is a messy and problematic usage. Thus, depending on both the definition of and the specific esports in question, the applicability of the present conclusions and implications may vary in range (recall especially Valve's relatively different approach; for a recent example, see Scholz, 2020). Moreover, when it comes to the policy implications in particular, regional diversity likewise complicates the matter. Because a single esports may operate under entirely different cultural and regulatory circumstances in various countries—compare, for example, the esports histories of China, Germany, Korea, and the United States—varying levels of impact and progress can be identified within distinct regional contexts.

Currently, the esports industry as a whole, including League, suffers from a lack of consent standards that would acknowledge the promotional expectation and value of its various promoters. This situation often relates the power imbalances between micro and macro institutions, both of which tend to overlook the promotional function(s) per se: the former due their lesser agency or knowledge and the latter simply because they do need not to (so far). It would make pragmatic sense for all institutions to work on this imbalance. The overall argument is that the present pragmatist ethics arises from cases of institutional promotion, therefore, the stakeholders must move toward a holistic model that prioritizes relationships and puts an emphasis on consent with transparent practices of power. It is uncertain whether the current

regulatory models of esports—with a cut-and-paste alignment within the structures and the worker precarity within the sports entertainment industry—are as appropriate as their speed of progress in other domains would allow.

Ethical considerations and their influence in design have typically been regarded, funded, and sustained in a subordinate manner to the imperatives of technological development and commerce. For those trained in the STEM disciplines especially, we use this work to illustrate that training not be decoupled from a proportionally important level of education in the Arts with a focus on ethics and social justice issues. Notwithstanding the focus on a single esports game and its institutional promotion, our analysis is largely representative of the more general multifaceted social and economic forces at work. Even though we must highlight regional diversity as a challenge—the legal and regulative positions of esports differ significantly between countries—global coherence of ethical guidelines and practices should be emphasized as an industry goal across the various sport games. With the help of the present case studies, we aim to better understand some of the extant and emerging problems that require long-term work and mobilization, a goal that will not only grow esports into more mature cultural ecosystem but also a more sustainable one. More steps toward unionization and various forms of labor organizing could align with those of performers' unions that already cover the worker in various ways. However, if workers are considered performers and not players, the gambling and betting schemes that pervade professional sports (including esports matches) would cease to be an avenue for the sportsbook industries.

This study, like others, is limited. Our foremost limiting factor is the nature of the case studies that represent only one of the leading esport companies and games. More work is needed to examine how similar issues have evolved and been dealt with by companies such as Activision Blizzard and Valve (and their respective esport games). Second, our qualitative methodology cannot answer quantitative questions such as those concerning the frequency of ethical conflicts that esport institutions encounter. More work is needed to answer those questions, especially in global settings. Third, and following the above, the present study was limited mainly to instances in Europe and North America. In particular, more work is needed to examine the ethical and political practices of other regions with prominent esport cultures, such as Brazil, China, and South Korea.

## IMPLICATIONS FOR RESEARCH AND POLICY

This study evaluated five cases in which an executive esport owner (Riot Games) made rulings regarding activities and infractions by members of various institutions related to its product (League of Legends). The findings of this study support future theoretical exploration of other esports in seeking a fuller understanding of issues related to consent, power differentials, and roles and behaviors expected of the institutional activities of players and teams in competition. We suggest that a consideration of moral rights in the policymaking process is a way to explicitly acknowledge and reward the bond between artist and art, as well as move toward defining play in terms of performance in global esport contexts. Increased investigation of these—and other—issues from an ethical standpoint could lead to a framework that not only would facilitate future study but also bring opportunities for improvements in practices in concert with necessary policy changes.

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## ENDNOTES

1. See Drazen (2018, p.3) for more background on how the use of the word “political” in this context derives from political economy, which focuses on how politics affect economic outcomes.
2. See Erzberger (2018) for the case of Tyler1’s (Tyler Steinkamp) violation of the Summoner’s Code, resultant permabanning, and return to the fold after the fan-driven #Tyler1Reformed campaign.
3. Phrasing at cited source as of the date accessed and specified in the References. The item is included here specifically for the discussion of meaning in this article. The authors expect that this is a dynamic source subject to change.

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